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REGULAR

NUMBER: 124.26

TITLE: AN ORDINANCE OF THE CITY OF MILPITAS AMENDING  
SECTION 4 OF CHAPTER 30, TITLE XI OF THE MILPITAS  
MUNICIPAL CODE.

HISTORY: This Ordinance was introduced (first reading) by the City Council  
at its meeting of \_\_\_\_\_, upon motion by Councilmember \_\_\_\_\_  
\_\_\_\_\_ and was adopted (Second reading) by the City Council at  
its meeting of \_\_\_\_\_, upon motion by Councilmember \_\_\_\_\_.  
Said Ordinance was duly passed and ordered  
published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Gail Blalock, City Clerk

\_\_\_\_\_  
Jose Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven T. Mattas, City Attorney

ORDAINING CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals and Findings.

- A. Pursuant to Government Code section 65853 and 65854, the Planning Commission of the City of Milpitas held a properly noticed public hearing on April 9, 2003 to consider the amendments to Title XI, Chapter 30 of the Milpitas Municipal Code. In accordance with Government Code section 65855, the Planning Commission has rendered a decision in the form of a written recommendation, which was presented to the City Council prior to consideration of this Ordinance.
- B. Upon receipt of the Planning Commission's written recommendation, the City Council held a properly noticed public hearing on \_\_\_\_, 2004.
- C. The City Council finds that this Ordinance does not render Title XI, Chapter 10 inconsistent with the City of Milpitas General Plan.

SECTION 2. Title XI Chapter 30 (Signs) of the Milpitas Municipal Code is hereby *amended with the modification and addition of the following new subsections:*

XI-30-4.03 Town Center District

One freestanding signs shall not be allowed within each sub-area of the "Town Center District", with the exception of one area identification sign, upon approval of a Conditional Use Permit by the Planning Commission, per Section XI-10-57. Said area identification sign shall only identify the Town Center and the principal tenants. Said sign shall not exceed a maximum height of forty-five (45) feet. the main Town Center shopping area which shall be allowed three (3) freestanding signs. No signs shall exceed a height of forty-five (45) feet. The sub-areas shall be identified as follows:

- 1) Beresford Square
- 2) Shapell Office Building
- 3) Main Town Center shopping area, east of Milpitas Boulevard to Hillview Drive
- 4) Hotel and offices east of Berryessa Creek

Refer to Section XI-30-4.02 of this Chapter for additional information relating to regional shopping centers. (Ord. 124.26 (X/X/04), 124.23 (part), 6/15/99)

SECTION 8. Publication and Effective Date. Pursuant to the provisions of Government Code Section 36933, a Summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the Summary, and (2) post in the City Clerk's Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's Office a certified copy of the full text of this Ordinance along with the

names of those City Council members voting for and against this Ordinance or otherwise voting.

SECTION 9. Severability. In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Planning Commission Date: March 24, 2004

Item No.

## MILPITAS PLANNING COMMISSION AGENDA REPORT

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Category: Public Hearing

Report prepared by: Troy Fujimoto

Public Hearing: Yes:   X   No:       

Notices Mailed On: N/A

Published On: 1/29/04

Posted On: N/A

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**TITLE:** AMENDMENT TO THE SIGN ORDINANCE (ZT2003-5)

**Proposal:** Sign ordinance amendment to increase the number of freestanding signs in the Town Center Zoning District (Ordinance No. 124.26).

**Location:** Town Center Zoning District

**RECOMMENDATION:** Recommend to Council adoption of Ordinance No. 124.26

**Applicant:** Shapell Industries of Northern California, 100 N. Milpitas Boulevard, Milpitas, CA 95035, attn: Kelly Erardi

**Attachments:** Sign Ordinance sections

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### BACKGROUND

When the Town Center zoning district was created, the sign ordinance included a section specifically for the Town Center District. In 1989, the City Council adopted a policy establishing a total of five (5) sub-areas within the Town Center District for the purposes of determining the maximum number of the freestanding signs.

The five Town Center sub-areas are:

1. Beresford Square shopping center
2. Shapell office building parcel
3. Town Center Phase III parcel (now developed with townhomes as "Beresford Village")
4. Town Center shopping complex
5. Hotel and office area (Town Center District east of Hillview Drive)

Thus, at this time, the City allowed the Town Center District (not including the Civic Center) to have five (5) freestanding signs, one for each sub-area.

## **SIGN ORDINANCE AMENDMENT REQUEST**

The applicant is requesting to codify the 1989 policy and would like to add the following:

1. Allow the one sign that was to be used for Phase III of the Town Center to be applicable for the main Town Center shopping complex;
2. Allow the main Town Center shopping complex to have one additional freestanding sign, for a total of three (3) freestanding signs.

This request would allow the Town Center to have three (3) freestanding signs. The Phase III parcel was developed with residential instead of commercial development and no freestanding sign was constructed; therefore this sign could be reallocated to the shopping center. Staff also supports the request for a third freestanding sign since the shopping center has three separate entrances on different streets (Calaveras, Milpitas, and Hillview) and a sign placed near each entrance would not result in a congregation of signs along one frontage. This approach is consistent with how the sign ordinance treats other properties by allowing at least one freestanding sign for each street frontage.

Staff recommends approval of the ordinance amendment request for the following reasons.

1. A second freestanding sign for the Town Center can be supported, based on the City granting a freestanding sign for Phase III that was never used.
2. If this project was located anywhere else in the City, based on their street frontages and the amount of street frontage, they would be allowed to have three (3) freestanding signs.

## **RECOMMENDATION**

Close the Public Hearing. Recommend to Council adoption of Ordinance No. 124.26 to amend the Sign Ordinance (P-ZT2003-5) to allow six (6) freestanding signs in the Town Center District.